PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

SERVICE DELIVERY PLAN

April 1, 2011 – March 31, 2014

(Updated)

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

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Transmittal and Approval Letters

To: The Honourable Barry Penner
Attorney General

Pursuant to s. 22 (1) of the *Public Guardian and Trustee Act*, I have the honour of delivering this updated Service Delivery Plan for the Public Guardian and Trustee of British Columbia.

This plan covers the period April 1, 2011 to March 31, 2014 and was originally submitted on October 15, 2010. This revised plan was prepared under my direction and all material fiscal assumptions and policy decisions as of March 31, 2011 have been considered in preparing it. I am accountable for the basis on which the plan has been prepared.

June 27, 2011

Public Guardian and Trustee of British Columbia — Date

To: Jay Chalke, Q.C.
Public Guardian and Trustee

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, I approve the Service Delivery Plan 2011 – 2014 for the Public Guardian and Trustee of British Columbia.

Attorney General — Date

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, the attached Service Delivery Plan 2011 – 2014 for the Public Guardian and Trustee of British Columbia has been approved by the Treasury Board.

Chair of Treasury Board — Date

Message from the Public Guardian and Trustee

I am pleased to present the Service Delivery Plan of the Public Guardian and Trustee (PGT) for April 1, 2011 through March 31, 2014.

It is now eleven years since the *Public Guardian and Trustee Act* and several other related statutes were proclaimed, transforming the long established Public Trustee into a new organization with extensive additional responsibilities. The PGT Act provided the PGT with the authority to invest according to the prudent investor standard rather than according to the restrictive list of authorized investments governing trustees. The PGT was the first trustee in British Columbia to have this authority.

Many of the new responsibilities focused on protecting vulnerable adults. These included granting the PGT extensive authority to exercise protective measures to protect the financial and other interests of adults who were deemed to be incapable. It was also charged with either appointing substitute decision makers or making related health care decisions itself so that health care professionals could obtain legal consent for treatment. The PGT became responsible for appointing Designated Agencies to respond to allegations of abuse, neglect and self neglect of vulnerable adults. It similarly became responsible for facilitating community response to such abuse, neglect and self neglect.

During the intervening ten years, the PGT has fully implemented its new responsibilities and brought their spirit to its previously existing duties. Accomplishing this has been particularly challenging because the adult guardianship law reform package that created the PGT and expanded its duties has not yet been fully implemented, resulting in a disjointed legislative framework that is very intrusive and limits flexibility in responding to needs of adult clients.

Implementing new legislation will also be a major thrust of the period covered by this service delivery plan. The coming into force of the incapacity planning changes as of September 1, 2011 is an important step. It is my hope and expectation that later in this 3 year period will see the long delayed proclamation of the court and statutory guardianship aspects of the adult guardianship law reform. This legislation, which has previously and repeatedly been deferred because of cost, will replace archaic legislation and bring British Columbia into line with other Canadian jurisdictions in offering protective services that are the least intrusive, minimal required, and have the greatest respect for client independence.

In addition to services to adults, the other major PGT lines of business will also be impacted by new legislation. The *Wills, Estates and Succession Act*, 2009 will fundamentally change the manner in which deceased estates are administered. If passed, the proposed *Family Law Act* will have a major impact on the manner in which services to children and youth are provided and particularly, services to children in continuing care of the Province.

Changes in broader litigation patterns are also increasingly impacting the PGT, both in its capacity representing clients and in its corporate role. The growing number of class actions involving PGT clients for whom the PGT has a fiduciary obligation to investigate is becoming so extensive that it is now becoming a new service line.

Implementing extensive new legislation and continuing to respond to the increasingly complex needs of PGT clients requires that the PGT develop both its service delivery and information technology systems in a manner that ensures that the PGT meets modern standards for risk management and

where possible, uses technology to support and enhance service delivery. These needs directly impact PGT ability to respond to the changing service environment.

Restructuring of provincial government services is increasingly resulting in the creation of more agencies with statutory authority and the PGT must develop and maintain relationships with each of these in place of its previous one to one relationships with provincial ministries. As a small organization, the PGT has limited infrastructure and other capacity to manage these new unfunded requirements.

The PGT is self funding for a large percentage of its actual expenditures. However, new responsibilities are increasingly in areas such as investigations of financial abuse and monitoring of the activities of private fiduciaries where the services are public in nature and cost recovery potential is very limited. Also, costs incurred in assisting PGT clients to access a potential claim to class action settlements may not provide for recovery. Changes in adult client profiles, such as the increasingly short term nature of PGT services, result in less revenue because the fee structure is designed to recover costs over an extended period of time. These financial challenges must be addressed if the PGT is to retain the ability to meet its responsibilities.

The PGT remains committed to providing vulnerable British Columbians with the protective and fiduciary services they require.

Jay Chalke, Q.C.
Public Guardian and Trustee

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1. ORGANIZATIONAL OVERVIEW

The Public Guardian and Trustee of British Columbia (PGT) serves the most vulnerable British Columbians by providing and/or monitoring substitute financial, legal and personal decision making on their behalf. The majority of its clients are children (including those in continuing care of the Province) and adults whose mental incapacity makes them vulnerable to abuse, neglect and self neglect. The PGT also administers estates of deceased persons and provides personal trust services. PGT responsibilities span the legal, financial, health and social services sectors.

In 2010/11, the PGT provides services through 246 funded employee positions. It serves approximately 32,000 clients and administers approximately $809 million of client trust assets. The PGT delivers service from headquarters in Vancouver, offices in Victoria and Kelowna, a part time office at Broadway Youth Resource Centre and a warehouse.

The PGT is organized into three broad operational program areas: Child and Youth Services, Services to Adults and Estate and Personal Trust Services, with a client services support team in Client Finance and Administrative Services. Policy, Planning and Public Education is responsible for compliance with the transparency regime mandated by Part 3 of the *Public Guardian and Trustee Act* and other functions. The Deputy Public Guardian and Trustee and Director, Legal Services, is responsible for legal services, information and privacy requests and review of decisions. The Executive Office provides overall direction and coordination.

Child and Youth Services
Reviews critical incident reports involving children in continuing care; as Guardian of Estate, pursues financial entitlements for children in continuing care; protects the legal and financial interests of minors through reviews of proposed legal settlements, statutory protective reviews, trust services and acting as Litigation Guardian

Services to Adults
Provides financial, legal and personal care decision making services for incapable adults; investigates reports of financial abuse of vulnerable adults; consults on possible abuse, neglect and self neglect situations; reviews accountings by private committees; makes or appoints others to make health care decisions as a Temporary Substitute Decision Maker

Client Finance and Administrative Services
Provides client financial services including investments, receipts and disbursements, tax and investigative services. Provides corporate and administrative services including finance, facilities and information technology

Estate and Personal Trust Services
Administers estates of deceased and missing persons; administers personal trusts; acts as Litigation Representative; manages the PGT Educational Assistance Fund for persons who were formerly in continuing care; maintains a wills bank

Legal Services
Responsible for legal services, information and privacy requests and review of decisions

Key Statutes

Numerous acts set out the powers and duties of the PGT. Key provincial statutes include:

- *Adult Guardianship Act*
- *Child, Family and Community Service Act*
- *Community Care and Assisted Living Act*
- *Cremation, Interment and Funeral Services Act*
- *Employment Standards Act*
- *Estate Administration Act*
- *Estates of Missing Persons Act*
- *Family Relations Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
- *Infants Act*
- *Insurance Act*
- *Insurance (Vehicle) Act*
- *Patients Property Act*
- *Power of Attorney Act*
- *Public Guardian and Trustee Act*
- *Representation Agreement Act*
- *Trustee Act*
- *Trust and Settlement Variation Act*
- *Wills Act*
- *Wills Variation Act*

The PGT has a fiduciary duty to advance the private interests of its clients even if they are contrary to the interests of any other organization including the provincial government.

Further information about PGT services and structure is available on the PGT website at www.trustee.bc.ca. The website also includes copies of the PGT Annual Report which contains audited financial statements and extensive audited information on performance.

A. Corporate Governance

The organization is a corporation sole established under the *Public Guardian and Trustee Act*. This is a corporate legal structure in which all authority and responsibility is vested in a single office holder who may delegate authority and who operates without a board of directors. This structure is used primarily in situations requiring clear accountability.

Authority is vested in the Public Guardian and Trustee who is appointed by the Lieutenant Governor in Council for a fixed six year term (renewable once) to ensure independence. The current office holder is Jay Chalke, QC, who was reappointed February 28, 2006. Staff act under authority delegated by the PGT. The PGT reports to the Legislative Assembly through the Attorney General.

An Investment Advisory Committee of independent senior external financial advisors is established by statute to monitor PGT investment performance and advise on strategic investment policy. (Current members appointed by the PGT are: Denis Berube, Denise Ching, and Dale Parker.)

An Audit Advisory Committee has been established to advise the PGT on risk management and other audit considerations. (Current members appointed by the PGT are: Barry Elkin, Peter Gregory and Alison MacPhail.)

An Executive Committee comprised of Directors, the Deputy Public Guardian and Trustee, and the Public Guardian and Trustee manages the organization.

As a fiduciary, the PGT is independent of government in its case related decision making responsibilities. By statute, the PGT exercises quasi judicial authority in certain situations. In addition,

the PGT provides the court with reliable independent submissions when the property or financial interests of minors, adults with legal disabilities or estates are at risk.

Under the *Public Guardian and Trustee Act,* the PGT is subject to stringent public performance accountability provisions. These include provisions defining extensive requirements for the service delivery plan and performance report.

In addition to statutory requirements for annual independent financial audits of both its operating funds and its estates and trusts administered, the PGT is required to have an independent audit of its annual performance report. These accountability provisions reflect the inability of most PGT clients to effectively monitor service quality or seek alternate service providers and thus this statutory transparency is a surrogate for consumer choice.

B. Financing Structure

PGT expenditures are paid from a special account established by the *Public Guardian and Trustee Act* in the Consolidated Revenue Fund. Revenue flowing into the special account is derived from a combination of fees and commissions charged on client assets and income and voted funding from the government of British Columbia for services where fees would be impractical, inappropriate or insufficient. Fees and commissions account for the majority of PGT funding (62.5% of actual expenditures in 2009/10). Revenue in excess of expenditures is retained in the special account if unspent at year end.

Estate and trust services are those where the greatest impact is on the management of individual client assets and this is reflected in the total or high level of cost recovery. In 2009/10, PGT estate and trust services accounted for 65% of total costs while producing 91% of self generated revenue. While the proportion of costs has been declining for estate and trust services, the proportion of revenue generated has remained relatively constant.

Public services are those where the greatest impact from the service is in monitoring or oversight and the limited or nil cost recovery reflects the public nature of these services. In 2009/10, PGT public services accounted for 35% of total costs while generating only 9% of self generated revenue. PGT investigatory and regulatory responsibilities continue to grow but are seldom revenue generating due to the nature of the activity.

All PGT fees and commissions are established by the Lieutenant Governor in Council and set out in the *Public Guardian and Trustee Fees Regulation* (BC Reg. 312/2000) as amended.

PGT fees and commissions are a combination of commission on income, commission on capital and asset management fees. In addition, the PGT charges certain hourly and fixed cost service fees. Third party charges for client related services are charged directly to clients.

C. PGT Clients, Stakeholders and Service Partners

PGT Primary Client Groups	Key PGT External Relationships	Key PGT Private Sector Relationships
Almost all PGT clients are vulnerable due to legal or other incapacity such as persons with disabilities, special needs, seniors and children at risk.	Clients are at the core of all PGT activity. The PGT interacts with and/or works in partnership with a broad range of individuals and organizations in helping clients meet their needs.	The PGT works with a wide range of private sector service providers in meeting its responsibilities for protecting the personal, legal and financial interests of clients.
• Children in continuing care of the Province without private legal guardians • Seniors who require assistance with decision making • Adults with developmental disabilities • Adults experiencing abuse, neglect or self neglect • Children with trust funds • Children who have no Litigation Guardian • Adults with acquired brain injuries • Heirs and beneficiaries of estates of deceased and missing persons • Beneficiaries of personal trusts • Children whose guardians wish to settle a claim for damages on behalf of the child • Adults with serious mental disorders or mental illness • Incapable adults without family who require health care decisions	• Family and friends of clients • Community groups • Insurance Corporation of BC • BC Unclaimed Property Society • Public service partners with statutory authority, e.g., Representative for Children and Youth, Assisted Living Registrar, Health Authorities, Community Living BC, Aboriginal Child and Family Service Agencies, Delegated Agencies and BC Coroners Service • Provincial Government Ministries, e.g., Children and Family Development, Social Development, Attorney General and Health • Court of Appeal, Supreme Court and Provincial Court of British Columbia where interests of parties under disability are at issue • Law Society of British Columbia • Canadian Bar Association (BC Branch) with respect to law reform initiatives impacting the interests of PGT clients • First Nations • Government of Canada, e.g., Indian and Northern Affairs Canada, Canada Revenue Agency, Department of Veterans Affairs	• Private service providers, e.g., care facilities, funeral homes, personal attendants • Personal service providers • Financial institutions, e.g., banking, investment services, private investment managers • Lawyers • Accountants • Insurance providers • Heir tracers • BC Investment Management Corporation • Real property managers • Medical and social services professionals

2. PRIMARY LINES OF BUSINESS

While the PGT delivers approximately 40 different statutory functions under about 25 BC laws, the vast majority fall under one of two main roles, either as a fiduciary or as a protector. As a fiduciary the PGT is responsible for making substitute decisions on behalf of British Columbians who require assistance and/or protection because of a legal disability. As a protector, the PGT is responsible for investigating concerns of abuse, neglect or self neglect of persons under legal disability or by playing a limited oversight role of third party substitute decision making.

In most instances, individuals become PGT clients through legislation, court order, trust deed or referral. In addition, some choose the PGT as their service provider for personal trusts or estate administration. In meeting its responsibilities, PGT daily operations are centered around the following primary lines of business.

A. Protecting people under legal disability by reviewing decisions made by others

Under British Columbia law, the PGT screens, investigates, monitors, takes protective measures and otherwise intervenes on behalf of persons under legal disability or who may be at risk because of abuse, neglect or self neglect. The PGT acts to ensure that the legal and property interests of clients are protected. To accomplish this, the PGT reviews a range of applications in legal proceedings, investigates allegations, reviews accounts of private committees and appoints Designated Agencies to investigate and respond to possible abuse, neglect or self neglect of adults.

Activities may include providing comments to the Supreme Court of British Columbia, reviewing proposed litigation settlements, reviewing proposals to transfer child guardianship, freezing accounts, applying to court to remove authority from third parties and taking legal action.

B. Administering property of clients

The PGT is bound by fiduciary obligations to protect and administer property on behalf of clients. The PGT ensures that client needs are met, client property is protected, clients are enabled to access services and client wishes are met to the extent possible. To accomplish this, the PGT secures, manages and disposes of assets.

This may include physically securing property, determining and collecting income, paying bills, administering personal trusts, investing as a prudent investor, making disbursements for the benefit of clients and distributing trust accounts. In planning and implementing these activities, the PGT seeks to understand the client's context and exercises professional discretion in making quality decisions.

C. Administering estates of deceased and missing persons

The PGT may act as executor or administrator of the estates of deceased persons. As Official Administrator of British Columbia, the PGT administers estates of persons who have died and no one is willing or able to administer their estates or when the whereabouts of executors, beneficiaries and heirs are not known. The PGT also acts as curator of the estates of missing persons. These activities are intended to ensure efficient, orderly intergenerational transfer of wealth, reduced litigation and increased certainty for property obligations upon death.

To accomplish this, the PGT arranges funerals, traces heirs, submits tax returns and distributes estates. This may include applying for legal authority, collecting and paying debts, documenting heirs, and liquidating and distributing assets.

D. Making personal and health care decisions

The PGT makes or appoints other substitute decision makers to make health care decisions on behalf of persons who are mentally incapable and thus unable to provide consent to treatment and who are without a supportive network. The PGT may also be appointed by the court to make other personal care decisions on behalf of incapable adults. This is intended to ensure that client health and safety are protected, client well being is promoted, and legal rights of autonomy are respected.

To accomplish this, the PGT arranges client access to services and shelter and makes or participates in client decision making. This may include reviewing client needs, wishes, values and interests, and developing individualized care plans. In carrying out these responsibilities, the PGT makes decisions based on client needs, wishes, values and interests.

E. Educating the public

The PGT recognizes the importance of providing public information and education to mitigate the growth in demand for PGT services, facilitate cooperation with service partners and stakeholders and to inform the public about related issues. These activities help professionals to properly apply the law, assist service partners in understanding their responsibilities, encourage appropriate utilization of PGT services, deter financial abuse of incapable and vulnerable persons, and limit growth in demand for PGT services through encouraging responsible private personal planning for incapacity and death.

The PGT has very limited resources for these activities and must balance speaking invitations, requests for materials and other related needs with its capacity to respond. The PGT seeks to lever other public education resources in order to achieve maximum efficiency when communicating with clients, service partners, key stakeholders and the public. This may include producing publications and other information materials, making presentations, providing news releases or enhancing the PGT internet presence. In its public awareness activities, the PGT seeks to ensure that intended audiences are aware of their obligations and rights and become more aware of the PGT and its responsibilities.

F. Applying PGT special expertise to advocate for PGT clients

The PGT supports clients in accessing services and exercising their civil, personal and property rights. This activity requires considerable liaison with service providers and increasingly may include legal action to pursue client rights and entitlements. At a systemic level, the PGT advocates for improved laws, policy and regulations in its responsibility areas.

This may include applying the special expertise of the PGT in analyzing emerging issues and making recommendations regarding policy and legislation to ensure that decision makers are aware of the impact of legislative changes so that the interests of persons under legal disability are taken into account when BC laws and policies are developed.

3. STRATEGIC CONTEXT

Vision
Rights, choices and security for all British Columbians

Mission
To safeguard and uphold the legal and financial interests of children; to manage the legal, financial and personal care interests of adults needing assistance in decision making; and to administer the estates of deceased and missing persons.

A. Values

1. **Integrity:** We act in accordance with the highest ethical, legal and personal standards.
2. **Client Centred Service:** We constantly strive to provide quality customer service to our clients who are the focus of our services.
3. **Openness:** We demonstrate responsibility and transparency to clients, government and the public through annual statutory public reporting on all aspects of our performance.
4. **Respect:** We treat clients, family and friends in a courteous, respectful manner.
5. **Teamwork:** We work with one another and with service partners in striving for seamless service delivery.
6. **Staff Support:** We acknowledge staff as our greatest resource and recognize and appreciate their expertise, professionalism and commitment.
7. **Innovation:** We challenge ourselves to seek new and improved ways to deliver service and assist clients.

B. Operating Environment

A wide range of factors are currently having a significant impact on the PGT operating environment and will continue to do so over the course of the period covered by this service delivery plan. These include the following:

- Constraints associated with PGT capacity and technology infrastructure will continue to pose enterprise risks and impair service delivery until upgraded.
- Demand continues to grow to provide legal services on behalf of clients as part of meeting PGT fiduciary obligations, including individual litigation and increasingly, advancing client claims within class actions, which may involve a legal obligation to incur costs without offsetting revenue.
- New accountability pressures and demands associated with public, client, stakeholder and service partner expectations about the nature, quality and service delivery models for PGT services continue to evolve and intensify.
- The international economic slowdown impacts rates of return for investments and the value of client assets which, in turn, impacts PGT revenue.

- The long term transition is continuing from the PGT acting primarily as a fiduciary, providing direct financial management service to clients, to a role that includes significant investigatory and regulatory responsibilities without corresponding revenue from fees and commissions.
- Ongoing changes in the availability of community supports for individuals, coupled with growth in the number of agencies with statutory authority, has made the service environment for PGT clients far more complex and has made supporting PGT clients much more challenging.
- Pressures associated with providing services to Aboriginal/First Nations clients and communities continue to grow, particularly that of providing guardianship services to Aboriginal children in continuing care.
- Demographic changes continue to be a major driver in increasing demand for PGT services, particularly in the area of services to seniors with dementia and other diseases of aging, and also with respect to implications of serving a diverse and mobile population with assets and family members throughout Canada and the world.
- The PGT will be facing two forced relocations of office space in 2011/12 including both its main office in Vancouver and its Vancouver Island regional office.
- The growth in financial entitlements for specific PGT client groups, e.g., Registered Disability Savings Plans, has significant PGT resource implications arising from the need for the PGT to apply for benefits, etc.
- Growing awareness of the incidence and varieties of elder abuse and abuse of other incapable adults continues to increase pressure to take preventive measures and facilitate community response.
- The PGT faces new unfunded service demands from First Nations associated with federal offloading through withdrawal of Indian and Northern Affairs Canada services and other changes associated with treaty implementation.

C. PGT Service Delivery Approach

The PGT has a broad range of responsibilities for differing client groups and delivers its services according to the most appropriate methods for the particular client group and responsibility. Methods include direct service delivery, limited monitoring of third parties, contractor provided services, response to complaints about other categories of third parties and supporting the court in making decisions. The high level approaches guiding PGT service delivery are as follows:

- The PGT meets its legal obligations as fiduciary which requires that the PGT demonstrate an undivided loyalty to its clients.
- The PGT advances the interests of its clients even if they are contrary to the interests of any other person or organization, including the provincial government.
- PGT services for incapable adults are provided on a last resort basis.
- PGT adult client services allow for maximum client independence that is consistent with fiduciary responsibilities within the existing legislative framework.
- The PGT seeks full cost recovery for administration of deceased estates and personal trusts.
- The PGT takes a risk based approach in reviewing client investment plans and monitoring third party accounts.
- The PGT fosters development of community based responses and capacity to respond to abuse, neglect and self neglect of incapable adults.
- The PGT applies fairness principles in assessing the impact of fees and commissions on PGT clients.
- The PGT appoints as Designated Agencies under Part 3 of the *Adult Guardianship Act*, those agencies best suited to discharge the legal responsibility to investigate and respond to allegations of abuse, neglect and self neglect of incapable persons.

- The PGT works in partnership with Health Authorities whose senior officials are responsible for issuing certificates of incapability that result in the PGT assuming statutory legal authority for managing the affairs of incapable adults.
- The PGT facilitates related information sharing and capacity building by service partners.

Benefits of the PGT Service Delivery Approach

The PGT and its service partners help individuals in a range of important ways including:

- Providing protective services to minimize abuse, neglect and self neglect
- Developing community capacity to support vulnerable adults
- Protecting the interests of children in continuing care
- Increasing efficiency of the court system by providing objective analysis of issues affecting the rights of persons with legal disability
- Ensuring that legal consent for treatment can be provided to health care professionals

D. Strategic Directions

The PGT has established four strategic directions that will guide our activities and strategies over the period covered by this service delivery plan. These strategic directions have both long and short term implications and related required activities and are reviewed on an annual basis.

The major direction over the next few years will be that of **responding to and implementing legislative change** that will have a major impact on almost all PGT business lines as key statutes are changed.

The *Wills, Estates and Succession Act*, 2009 will fundamentally change the manner in which deceased estates are administered in British Columbia and is expected to be proclaimed in September 2011. The long deferred *Adult Guardianship and Planning Statutes Amendment Act*, 2007 will introduce British Columbia to a modern system of providing adult guardianship services to incapable adults. In February, 2011 the Attorney General announced that, with the exception of the court and statutory guardianship aspects, this law will come into force September 1, 2011. Court and statutory guardianship will await an improved fiscal position for the Province.

In addition, a new *Family Law Act* currently being considered would have major implications for the protective services provided by the PGT to children in continuing care of the Province and other children in BC.

Refocusing to respond to needs associated with the **increasing numbers of service partners with statutory authority** is another strategic direction that must be addressed. Over the last several years, restructuring of provincial government service delivery models and the health and social services sectors has dramatically multiplied the number of agencies with which PGT must establish and maintain independent working relationships.

The most significant restructuring is the ongoing devolution of statutory child protection responsibilities from MCFD to Delegated Aboriginal Child and Family Service Agencies, each of which becomes a coguardian with the PGT for children in continuing care. Where the PGT previously was coguardian with MCFD only, it is now also coguardian with 19 other agencies with guardianship authority. While the PGT welcomes this transition as important to the well being of Aboriginal children, related demands for each of these agencies has significant unfunded resource implications for the PGT.

Changes associated with assuming duties previously performed by Indian and Northern Affairs Canada (INAC) are a further unfunded responsibility. These demands will steadily grow.

As a fiduciary responsible for administering more than $800 million in client assets, the PGT must be responsive to **changing risk management standards**. PGT Enterprise Risk Management activities are fully integrated into all PGT core services. Also, an extensive risk management review has been a recent focus and will continue to receive considerable attention over the term of this plan as the PGT implements a series of reports and recommendations from independent experts.

The need to upgrade from archaic and otherwise inadequate basic **information technology systems** is a strategic direction that encompasses and supports all of the other directions. COMET, the PGT financial system developed in 1988 is not adequate as a modern trust accounting system and operates on an obsolete platform. CASE, the primary PGT case management system, was implemented three years ago in a very basic form and, as had been planned when it was implemented, requires extensive enhancement. The move to an electronic based records system, coupled with the increase in litigation associated with fiduciary and case management activities, has heightened the need to implement a document management system. The PGT must maintain separate information technology systems for reasons of independence. As a result, the PGT is not included in the provincial government information technology services framework.

E. Benchmarking

The PGT is a unique organization largely without private sector comparators and with limited comparability to public bodies in BC and other jurisdictions. Because of its responsibilities, blend of services and unique legal status, PGT access to generally accepted benchmarks is limited. Public Guardian and Public Trustee agencies in other jurisdictions each have some responsibilities and services or elements of them in common with the PGT but none have the same exact authorities.

The PGT uses third party benchmarks in assessing performance of its pooled investment funds.

In accordance with the *Public Guardian and Trustee Act*, the PGT annual performance report is subject to an independent audit to provide third party assurance on the reported results and the PGT is able to make comparisons from its own past performance using this information.

4. FINANCIAL CONTEXT

Summary Financial Outlook

Schedules have been prepared on the basis of information available to the PGT as of March 18, 2011. Any changes that may occur after that date are not included. Amounts are stated in 2010/11 dollars.

- *Adult Guardianship and Planning Statutes Amendment Act, 2007* (also known as Bill 29 or AGPSAA) will be partially proclaimed as of September 1, 2011. The incapacity planning aspects of Bill 29 will come into force as of that date along with some other changes. This phase of the implementation will not have significant financial consequences for the PGT. The next phase which modernizes court and statutory guardianship will require increased resourcing for the PGT and is deferred until a later time.

- Base FTEs are increased by 3 in 2011/12 to a total of 249. The additional FTE's were provided for the implementation of strengthened governance, compliance and control measures. The cost of this new initiative has been funded through recoveries - $1.485M in 2011/12 and onward.

- Benefits have been included at 23% of salaries (including leave liability) throughout the period. The benefit rate was reduced from 24.5% to 23% in 2011/12 and onward.

- Leave liability amounts have been calculated as 0.786% of salaries for 2011/12 through 2013/14.

- BCGEU Master and Component Agreements expired midnight, March 31, 2010. There has been no provision for the financial impact of any future agreements impacting GEU staff. Accordingly, costs for salaries and benefits for GEU staff were calculated at status quo with 2010/11 levels for fiscals 2011/12 through 2013/14.

- The PGT implemented a new Management Compensation Framework that introduces a broadbanding structure with fewer classification levels and wider salary ranges. This new framework provides greater flexibility to respond to competitive labour markets and recognize employee contributions. Management salaries have been aligned to this new compensation structure retroactive to April 1, 2010. There has been no provision for the financial impact of any future agreements impacting Management staff.

- Changes arising from the renewal of the collective agreement between the Province and the BC Crown Counsel Association have been included in 2011/12 and 2012/13. The continued agreement has a 12 year term commencing April 1, 2007 and expiring March 31, 2019. The incremental percentage is 1.27% each year in addition to percentage compensation parity with the Provincial Court judiciary. Any known amounts are included in the PGT salary projections and estimates of costs for 2011/12 and 2012/13 have been included at 1.27% increase each year.

- Base Revenue is reduced by $0.268M reflecting the new *Wills, Estates and Succession Act, 2009* (WESA). The reduction in revenue results from decreases in volume of certain notices received by PGT compared to the old law and the overall value of the funds that will be held in trust by the PGT on behalf of Children and Youth.

- The PGT has shifted to a cost recovery model effective April 1, 2011. All fees and commissions and other charges earned are recognized as cost recoveries. This accounting change eliminates the inconsistency in PGT revenue reported partially as "revenue" and partially as "cost recovery" and will match client fee amounts collected with the costs of the related services provided.

- PGT voted funding is provided in accordance with amounts established by the Ministry of Attorney General in its 3-year Service Delivery Plan in the amount of $8.860M in 2011/12 and $8.893M 2012/13 and 2013/14.

- Capital funding of $0.499M - 2011/12; $0.578M – 2012/13 and $0.363M – 2013/14 has been included and reflects the Capital Planning Secretariat 10 Year Capital submission.

5. PERFORMANCE MEASURES

Goal # 1: PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.							
Objectives	**Performance Measures**				**Targets**		
			09/10 Actual	**10/11 Forecast**	**2011/12**	**2012/13**	**2013/14**
1.1 Disbursements from children's trusts will be made in a timely manner.	1.1.1	Percentage of disbursements from children's trusts that are completed within 15 calendar days of request by the guardian or client	99%	90%	90%	95%	95%
1.2 Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner.	1.2.1	Percentage of critical incident reports in respect of children in continuing care that are reviewed and have action initiated by the PGT within 60 calendar days of receipt	100%	95%	95%	95%	95%
	1.2.2	Percentage of personalized case plans (covering property, effects, legal issues and living arrangements) that are developed and implemented for new adult clients within six months of PGT appointment as Committee of Estate	84%	75%	75%	80%	85%
	1.2.3	Percentage of adult client trust receipts that are processed within five business days	95%	90%	90%	90%	95%
	1.2.4	Percentage of adult client disbursements processed within 15 business days	98%	95%	95%	95%	95%

Goal # 1:
PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.

Objectives	Performance Measures		09/10 Actual	10/11 Forecast	Targets 2011/12	2012/13	2013/14
1.3 Assets of client estates will be identified, secured and administered in a timely manner.	1.3.1	Physical assets of new deceased estates secured within 15 calendar days of notification of death	82%	75%	75%	75%	75%
1.4 Implement enhanced risk management processes	1.4.1	Maintain Enterprise Risk Management (ERM) Framework	NA	ERM framework established and operational by March 31, 2011	Respond to two risk categories by March 31, 2012	Respond to two risk categories by March 31, 2013	Respond to two risk categories by March 31, 2014
	1.4.2	New and ongoing client assets will be secured and prudently managed	NA	A full business process review of Field Services completed with resulting changes in practice implemented by March 31, 2011	An appropriate Field Services performance measure will be developed	TBD	TBD

Goal # 1:
PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.

Objectives	Performance Measures		09/10 Actual	10/11 Forecast	Targets 2011/12	2012/13	2013/14
1.5 Estate distributions will be made to heirs and beneficiaries.	1.5.1	Percentage of deceased estate funds that are distributed to heirs and beneficiaries rather than transferred to the BC Unclaimed Property Society	94%	85%	85%	85%	85%
	1.5.2	Implement PGT statutory responsibilities under the *Wills, Estates and Succession Act*, 2009	NA	Develop implement-ation plan by March 31, 2011	Implement new and revised PGT roles (subject to coming into force of new law)	TBD	Carry out evaluation within two years of coming into force of new law
1.6 Client investments will be handled prudently.	1.6.1	Investment returns for all three pooled funds match or exceed established benchmarks	Three of the three funds met or exceeded their benchmarks at March 31, 2010	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks
	1.6.2	Percentage of investment plans subject to review that are completed within the year	99%	95%	95%	95%	95%

Goal # 2:
PERSONAL INTERESTS OF PGT CLIENTS WILL BE PROTECTED.

Objectives	Performance Measures				Targets		
			09/10 Actual	10/11 Forecast	2011/12	2012/13	2013/14
2.1 The personal needs of child and youth clients will be protected.	2.1.1	For children and youth with assets in excess of $50,000 where ongoing assistance with day to day maintenance has been approved, personalized expenditure plans will be developed and implemented within 20 calendar days of receiving all decision making information and then annually reviewed	99%	90%	90%	90%	90%
2.2 The personal interests and health care needs of adult clients will be addressed.	2.2.1	Percentage of Committee of Person adult clients who are annually visited by PGT staff	98%	95%	95%	95%	95%
	2.2.2	Percentage of major health care substitute decisions for adults made within three business days of all relevant information being received	100%	95%	95%	95%	95%

Goal # 3:
STATUTORY PROTECTIVE AND MONITORING SERVICES WILL BE DELIVERED IN AN APPROPRIATE, TIMELY AND FAIR MANNER.

Objectives	Performance Measures				Targets		
			09/10 Actual	10/11 Forecast	2011/12	2012/13	2013/14
3.1 Settlement reviews of legal claims of children and youth will be carried out in a timely manner.	3.1.1	Percentage of proposed minors' settlements $5,000 and over that are reviewed and the parties advised of the PGT position within 60 calendar days once all relevant information has been received	98%	90%	90%	95%	95%
	3.1.2	For minors' settlements under $5,000, the average number of calendar days to review and advise of the PGT position regarding proposed settlements once all relevant information has been received	12 days	20 days	20 days	20 days	20 days
3.2 The PGT will act to protect the assets of adults at risk for abuse, neglect and self neglect.	3.2.1	Percentage of cases where, on confirming that the assets of an apparently abused or neglected adult unable to seek support and assistance are at significant risk and in need of immediate protection, protective steps are taken within one business day under section 19 of the *Public Guardian and Trustee Act*	99%	90%	90%	95%	95%

Goal # 3:
STATUTORY PROTECTIVE AND MONITORING SERVICES WILL BE DELIVERED IN AN APPROPRIATE, TIMELY AND FAIR MANNER.

Objectives	Performance Measures		09/10 Actual	10/11 Forecast	Targets 2011/12	2012/13	2013/14
	3.2.2	Average age of Private Committee accounts that have been submitted for passing and are awaiting PGT decision	4.6 months	6 months	5 months	4 months	4 Months
	3.2.3	Implement PGT statutory responsibilities for incapacity planning provisions of the *Adult Guardianship and Planning Statutes Amendment Act*, 2007	NA	NA as new law not proclaimed	Deliver new statutory roles as of September 1, 2011.	TBD	Carry out evaluat-ion by March 31, 2014.

Goal # 4:
THE PGT WILL CONTRIBUTE TO PUBLIC AWARENESS, POLICY DEVELOPMENT AND LAW REFORM INITIATIVES TO PROMOTE THE INTERESTS OF PGT CLIENTS.

Objectives	Performance Measures				Targets		
			09/10 Actual	10/11 Forecast	2011/12	2012/13	2013/14
4.1 The PGT will make relevant useful and affordable recommendations to government for law reform affecting clients.	4.1.1	Make a submission to the Attorney General regarding proposed amendments to the *Family Relations Act*	NA	NA	Submitted by March 31, 2012 (subject to Bill being introduced)	TBD	TBD
4.2 The PGT will promote an understanding of its role among clients, service partners, stakeholders and the public.	4.2.1	PGT role explained by PGT representatives at stakeholder and service partner conferences, events and other public education forums	84 presenta-tions	50 presentations	50 presentations	50 presentations	50 presentations

Goal #5:
THE PGT WILL DELIVER HIGH QUALITY CLIENT CENTRED SERVICES.

Objectives	Performance Measures			Targets		
		09/10 Actual	10/11 Forecast	2011/12	2012/13	2013/14
5.1 The PGT will meet client expectations for quality, equitable and accessible services.	5.1.1 Percentage of heirs and beneficiaries responding to survey who rated administration services for deceased estates as good or very good	96%	85%	85%	85%	90%
	5.1.2 Percentage of stakeholders reporting satisfaction with PGT legal services (stakeholder group varies annually)	78%	75%	75%	75%	75%
5.2 Mission critical information technology systems and processes will support PGT business activities.	5.2.1 Develop client management information systems in phases	Business case prepared for replacement of trust accounting system	Survey market for new trust accounting system	Purchase and implement new trust accounting system (subject to funding)	Prepare business case for document management system	Purchase and implement document manage-ment system (subject to funding)

6. RELATIONSHIP TO PROVINCIAL GOVERNMENT STRATEGIC PLAN

PGT clients comprise persons with developmental disabilities, special needs (including mental illness and persons living with acquired brain injuries), children at risk, and seniors, particularly those with dementia and other diseases of aging.

The PGT is committed to assisting adult clients to have the best quality of life they can and to act in accordance with their wishes where possible. To the extent permitted by the current law respecting court and statutory adult guardianship, the PGT encourages maximum self sufficiency for adult clients and strives for minimal intervention consistent with the need for protection. The PGT acts in the best interests of child and youth clients including those with private guardians as well as those for whom the PGT is guardian of estate.

In delivering services to clients, the PGT works cooperatively with a broad range of provincial organizations including ministries and agencies or officials with statutory authority, particularly Health Authorities and Delegated Aboriginal Child and Family Service Agencies.

The PGT is a member of the Children's Forum, and in that capacity and others, works with the Provincial Health Officer, the Chief Coroner, the Ombudsperson, MCFD, and the Representative for Children and Youth. The PGT is a signatory to the Cross Ministry Transition Planning Protocol for Youth with Special Needs. It is a member of the Senior's Healthy Living Cross – Government Committee and the Elder Abuse Prevention Initiative Cross – Government Committee.

7. SUMMARY FINANCIAL OUTLOOK

A. Operating Cost Projections for 2011/12 through 2013/14

Program	2011-2012			2012-2013			2013-2014		
	Operating Revenue	Operating Expenditure	Net	Operating Revenue	Operating Expenditure	Net	Operating Revenue	Operating Expenditure	Net
	All amounts are quoted in thousands of dollars								
Trust and Estate Services [1]									
Services to Adults	8,441	9,856	(1,415)	8,441	9,845	(1,404)	8,441	9,845	(1,404)
Estate and Personal Trust Services [2]	3,636	3,620	16	3,636	3,623	13	3,636	3,623	13
Child and Youth Services	1,510	2,243	(733)	1,510	2,238	(728)	1,510	2,238	(728)
Public Services [3]									
Services to Adults	598	3,223	(2,625)	598	3,222	(2,624)	598	3,222	(2,624)
Child and Youth Services	848	5,033	(4,185)	848	5,081	(4,233)	848	5,081	(4,233)
Estate and Personal Trust Services	-	100	(100)	-	99	(99)	-	99	(99)
Other – WESA[4]	(268)	-	(268)	(268)	-	(268)	(268)	-	(268)
Voted Funding			8,860			8,893			8,893
Recoveries			450			450			450
Revenue in excess of expenditure/ (Expenditure in excess of revenue)			-			-			-
Projected permanent FTEs			249			249			249

1 Trust and Estate Services include Client Services and Estate Liaison in Services to Adults; Estate and Personal Trust Services and Trust Services in Child and Youth.

2 Estate and Personal Trust Services includes a declining backlog of low fee generating accounts transferred from County Administrators and the Deputy Official Administrators.

3 Public Services include Adult Guardianship [Health Care Consent, Community Liaison, and Response to Abuse and Neglect], Assessment and Investigation and Private Committee Services in Services to Adults; Guardianship to children in care, Infant Settlements and other legal reviews in Child and Youth Services and Public Inquiry in Estate and Personal Trust Services.

4 The reduction in revenue results from changes in business processes and regulations resulting from the *Wills, Estates and Succession Act, 2009* (WESA).

B. Special Account Summary

	Public Accounts	Delegated Budget	Service Delivery Plan		
	2009-2010	2010-2011	2011-2012	2012-2013	2013 - 2014
Special Account equity beginning balance	**$22,243**	**$23,566**	**$24,469**	**$24,469**	**$24,469**
Total self-generated and voted funding	21,621	20,462	8,860	8,893	8,893
Total Operating Expenditure	25,224	22,786	24,075	24,108	24,108
External Recoveries	(4,926)	(3,227)	(15,215)	(15,215)	(15,215)
Excess of revenue over expenditure and recoveries	1,323	903	0	0	0
Capital expenditure	257	500	499	578	363
Adjustment for capitalization of assets	(257)	(500)	(499)	(578)	(363)
	0	0	0	0	0
Special Account Equity Ending Balance	**$23,566**	**$24,469**	**$24,469**	**$24,469**	**$24,469**

8. CONTACT INFORMATION

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Toll free calling is available through *Service BC*. After dialing the appropriate number for your area (below), request to be transferred to the Public Guardian and Trustee (regular office hours 8:30am-4:30pm, Mon-Fri).

Toll free	
Vancouver	604.660.2421
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For further information: Visit www.trustee.bc.ca or email: mail@trustee.bc.ca